

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PAUL POGUE and)	
PAUL POGUE, in his capacity as owner of)	
SURVEYORS' PARK,)	
)	
Plaintiffs,)	
)	CIVIL ACTION NUMBER
v.)	
)	2:-06-cv-148-MHT
TONY CHANDLER, et al.,)	
)	
Defendants.)	

MOTION TO CORRECT EXHIBIT ATTACHED TO

DEFENDANTS' BRIEF

Come now the Defendants and move this Court for leave to correct Attachment C to Exhibit D of the Brief in Support of Defendants' Motion to Dismiss or in the Alternative, for Summary Judgment. As grounds therefore, the Defendants show the following:

1. Exhibit D is the Affidavit of Charles T. Conway.
2. Attachment C to Exhibit D is the Defendants' First Request for Production of Documents, which was served on the Plaintiff on August 21, 2006.

3. The second page of Attachment C was inadvertently omitted when the document was scanned for the purposes of producing a PDF file of the document. This omission was discovered by the Defendants on October 2, 2006 and the entire document was scanned again for the purpose of submitting it with this Motion.
4. The document attached to this Motion is a true and correct copy of the document that was served upon the Plaintiff on August 21, 2006.

Now therefore, the Defendants move this Court to substitute the attached document in place of Exhibit D, Attachment C in order for the entire document to be a part of the Exhibit D submitted as part of the Defendants' brief.

Respectfully submitted,

TROY KING
ATTORNEY GENERAL
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BY

s/Charles T. Conway
Assistant Attorney General
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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of October, 2006, a copy of the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system, and that a copy of the same has been sent by First Class Mail to the plaintiff:

Paul Pogue
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The Mays Building
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s/Charles T. Conway
Assistant Attorney General

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